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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/600,904 | 06/20/2003 | Robert Sigurd Nelson | | 9224 |
| 7590 | 09/09/2004 | | EXAMINER | |
| ROBERT SIGURD NELSON 2922 Upshur Street San Diego, CA 92106 | | | KIKNADZE, IRAKLI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2882 | |

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/600,904 | NELSON ET AL |
| | Examiner | Art Unit |
| | Irakli Kiknadze | 2882 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 57-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 57-59 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. In response to the Office action dated April 21, 2004 the Amendment has been received on June 17, 2004.

Claims 57 and 59 have been amended.

Claims 57-59 are currently pending in this application.

Response to Arguments

2. Applicant's arguments, see pages 17-19, filed June 21, 2004, with respect to the rejection of claim(s) 57 under 35 U.S.C. 102 (e) and rejection of claims 58 and 59 under 35 U.S.C. 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Walters (US Patent 5,115,394).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Walters (US Patent 5,115,394).

With respect to claim 57, Walters teaches a method of calibrating a radiation detection system comprising; providing a radiation source (1), measuring the level of radiation emitted from the source (1) that is detected by the detection system (424) (column 13; lines 56-60), and calibrating the detection system by evaluating the detected radiation and balancing the system based upon the detected radiation (Fig.4; column 3, lines 24-40; column 10, lines 20-25; column 14 lines 6-12 and 51-55).

With respect to claim 58, Walters teaches measuring an energy-dependent modulation transfer function of the detection system (Fig.1), and calibrating the system by accounting for both the detected radiation and the energy-dependent modulation transfer function (column 9, lines 2-10 and column 10, lines 3-14).

With respect to claim 59, Walters teaches a method of estimating the effects of tissue attenuation on the intensity and energy distribution of an X-ray beam comprising: calibrating an energy-resolving detector array (424) by determining its energy-dependent modulator transfer function (Fig.1), aligning the calibrated energy-resolving detector array with the x-ray beam, measuring a first position-dependent, energy-dependent intensity profile of the X-ray beam at the detector array, transmitting the x-ray beam through a patient, measuring a second position-dependent, energy-dependent intensity profile of the X-ray beam at the detector array immediately after the beam has been transmitted through the patient; and comparing the first and the second position-dependent, energy-dependent intensity profiles of the beam (Fig. 4; Column 10, lines 3-14; column 13, lines 34-43 and 56-67; column 14, lines 6-25).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00- 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Irakli Kiknadze
September 1, 2004

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EDWARD J. GLICK
EXAMINER
ADVISORY PATENT EXAMINER